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June 30, 2006

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VIA FAX: (405) 842-2913

Robert Allen Nance
RIGGS, ABNEY, NEAL, NEAL, TURPEN,
ORBISON & LEWIS
5801 N. Broadway, Ste. 101
Oklahoma City, OK 73118

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*

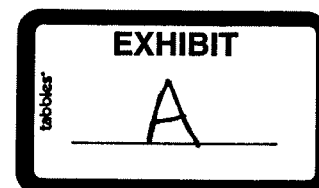
Dear Mr. Nance:

I have reviewed Plaintiff's Objections and Responses to Separate Defendant Tyson Chicken, Inc.'s First Set of Interrogatories (the "State's Discovery Responses"). Please consider this letter to constitute my attempt to confer in good faith with the State in an effort to secure the material and information sought in the First Set of Interrogatories without court action pursuant to Fed. R. Civ. P. 26(a)(2)(B).

The more significant deficiencies in the State's Discovery Responses are described in detail below. This is not an exhaustive list and Tyson Chicken, Inc. ("Tyson") reserves the right to seek relief from the Court on all deficiencies whether expressly listed in this letter or not. If the deficiencies identified hereinafter are not corrected by close of business on July 14, 2006, Tyson will file a motion to compel pursuant to Fed. R. Civ. P. 26(a)(2)(A).

General Issues or Deficiencies

Privilege Log. First, please confirm that the privilege log attached to the State's Discovery Responses describes all information and documents responsive to these interrogatories which have been withheld on the basis of a claim of privilege. If there is additional information being withheld because of such claims that is not listed on the privilege log, please supplement the privilege log immediately. Second, the privilege log supplied does not indicate which documents or information withheld would be responsive to which interrogatories. Please provide supplemental interrogatory responses or a revised privilege log to specify which of the withheld documents are responsive to which interrogatories.



KUTAK ROCK LLP

Robert Allen Nance
 June 30, 2006
 Page 2

Rule 33(d) Business Records References. In response to many of the interrogatories the State has elected to refer Tyson to “business records” pursuant to Fed. R. Civ. P. 33(d) instead of actually answering the interrogatories. Tyson does not believe that the Rule 33(d) option is truly available to the State for many of the interrogatories. In any event, the State’s specifications of records is insufficient. As you know, Rule 33(d) requires the responding party to “specify the records from which the answer may be derived or ascertained.” The specification must “be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.” FED. R. CIV. P. 33(d). Broad references to the State’s document production and/or web-accessible document repositories for various state agencies are not sufficient under Rule 33(d). Accordingly, please amend the State’s Discovery Responses to specifically identify the records wherein Tyson can find the answers to each interrogatory.

Attorney-Work Product Claims with Respect to Sampling Data and Other Facts. It appears that the State is continuing its unfounded claim that facts known to experts including the results of environmental sampling can be withheld as privileged under Fed. R. Civ. P. 26. These issues are the subject of Cobb-Vantress’ pending First Motion to Compel (Dkt. No. 743.) As explained in the briefing associated with that motion, the State’s position is contrary to the law. Accordingly, Tyson asks the State to immediately supplement its discovery responses to provide responsive factual information regardless of whether those facts were gathered by or are known to the State’s consulting experts.

Additionally, Tyson challenges the State’s claim of protection under the work product doctrine. Materials produced during the ordinary course of business are not entitled to protection as attorney work product. Neither the State’s answers nor its Privilege Log provide sufficient information for Tyson to reasonably determine whether the State agency materials for which work product protection is asserted were prepared in anticipation of litigation or in the ordinary course of business. Accordingly, Tyson asks the State to immediately supplement its discovery responses by providing additional information that will allow Tyson to assess the applicability of the work product doctrine.

Interrogatory-Specific Deficiencies

Interrogatory Nos. 1-4. These interrogatories ask for an identification of any studies, reports or data demonstrating contamination of the IRW with the substances alleged in the complaint *from releases attributable to the Tyson Defendants*. The State’s response simply identifies a few articles, several of which do not relate to the IRW and none of which are specific to the Tyson Defendants. If the State has evidence of contamination in the IRW originating from releases attributable to the Tyson Defendants, please specify that information. If the State has no such Tyson-specific proof, then please state that expressly. In either event, please provide amended responses to these interrogatories. Also, please provide copies of the articles identified

KUTAK ROCK LLP

Robert Allen Nance
June 30, 2006
Page 3

in response to these interrogatories or specify by Bates number ranges where these articles may be found in the State's document production.

Interrogatory No. 5. This interrogatory asks the State to identify any reports, studies or modeling which purport to assess the relative shares "of any *or all* the defendants named in this lawsuit" to the injuries or damages at issues in this case. In its response to this interrogatory, the State claims that "liability of the Poultry Integrator Defendants in this action is joint and several, and the injury is indivisible." This, of course, is a legal issue very much in dispute in this case which will turn on facts not yet presented by the parties to the Court. Please confirm that the State has not withheld any information responsive to this interrogatory under this mistaken view of the law. The State's statement in response to this interrogatory that it is unaware of any "information that specifically identifies any *individual Defendant's relative contributions* to any injury, loss or damage" is also not fully responsive to this request. To the extent that State is aware of reports or modeling work purporting to assess the relative share of the Poultry Integrator Defendants *as a group*, then such reports and modeling work must be identified. For example, any modeling work done by the State agencies in connection with the TMDL process for the Illinois River or Tenkiller Lake would likely be responsive to this interrogatory. Please provide a supplemental response to this interrogatory identifying all responsive information.

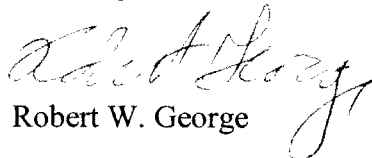
Interrogatory Nos. 6-11. These interrogatories ask the State to identify reports, studies or data demonstrating injury to water bodies in the IRW from the release (by whomever) of each of the substances alleged in the complaint. In its response, the State has listed various articles and several agency websites which contain links to numerous documents, reports or data sets. Please provide copies of the articles identified in response to these interrogatories or specify by Bates number ranges where these articles may be found in the State's document production. With respect to the referenced websites, please specify which documents, reports or data sets accessible through those websites the State contends to be responsive to each of these interrogatories.

Your prompt attention to the above requests is imperative. The information sought in these interrogatories is essential to my client's defense of this case. Consequently, while I sincerely hope that we can resolve the above-described deficiencies without having to involve the Court, my client will not delay in seeking relief from the Court should your response to this letter be inadequate.

KUTAK ROCK LLP

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Cordially,


Robert W. George

cc via e-mail: Stephen Jantzen
Patrick Ryan
Mark Hobson
Jay Jorgenson

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Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*

Dear Mr. Nance:

I have reviewed Plaintiff's Objections and Responses to Separate Defendant Tyson Foods, Inc.'s First Set of Interrogatories (the "State's Discovery Responses"). Please consider this letter to constitute my attempt to confer in good faith with the State in an effort to secure the material and information sought in the First Set of Interrogatories without court action pursuant to Fed. R. Civ. P. 26(a)(2)(B).

The more-significant deficiencies in the State's Discovery Responses are described in detail below. This is not an exhaustive list and Tyson Poultry, Inc. ("Tyson") reserves the right to seek relief from the Court on all deficiencies whether expressly listed in this letter or not. If the deficiencies identified hereinafter are not corrected by close of business on July 14, 2006, Tyson will file a motion to compel pursuant to Fed. R. Civ. P. 26(a)(2)(A).

General Issues or Deficiencies

References to Discovery Provided by the State to Poultry Integrator Defendants. In several instances, the State has objected to providing information requested by Tyson in these interrogatories based on the assertion that "this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories" Tyson Poultry, Inc. is a separately-named defendant in this action entitled to conduct full discovery from the State regardless of what other defendants may choose to seek or not seek in discovery. The State cannot withhold information or documents *from Tyson* based upon the fact that it may have provided similar (or even identical) information or documents to other defendants in response to their discovery. To the extent, the State has done so, please promptly supplement your answers to these interrogatories to specifically identify all information and documents responsive to

KUTAK ROCK LLP

Robert Allen Nance
 June 30, 2006
 Page 2

Tyson's interrogatories regardless of whether that information may also be responsive to previous interrogatories propounded by other defendants in this case.

Open Records Requests. In several instances the State has objected to providing information requested by Tyson in these interrogatories based on the assertion that "this information has already been provided . . . in response to one or more Open Records Requests made by one or more Poultry Integrator Defendants." Again, the attempt by the State to avoid responding to specific interrogatories propounded by *Tyson* based upon the actions of "one or more Poultry Integrator Defendants" is improper. If you believe that information specifically responsive to a particular interrogatory has been supplied to *Tyson* pursuant to an Open Records Request made by *Tyson*, please identify the specific information and specific Open Records Request to which you are referring. In addition, given the State's position that it need not produce in this action documents available to Tyson through Open Records Requests, I trust that we will receive the State's full cooperation in Tyson's ongoing and likely future efforts to obtain information from the State through Open Records Requests.

Privilege Log. First, please confirm that the privilege log attached to the State's Discovery Responses describes all information and documents responsive to these interrogatories which have been withheld on the basis of a claim of privilege. If there is additional information being withheld because of such claims that is not listed on the privilege log, please supplement the privilege log immediately. Second, the privilege log supplied does not indicate which documents or information withheld would be responsive to which interrogatories. Please provide supplemental interrogatory responses or a revised privilege log to specify which of the withheld documents are responsive to which interrogatories.

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Attorney-Work Product Claims with Respect to Sampling Data and Other Facts. It appears that the State is continuing its unfounded claim that facts known to experts including the results of environmental sampling can be withheld as privileged under Fed. R. Civ. P. 26. These issues are the subject of Cobb-Vantress' pending First Motion to Compel (Dkt. No. 743.) As

KUTAK ROCK LLP

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 June 30, 2006
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explained in the briefing associated with that motion, the State's position is contrary to the law. Accordingly, Tyson asks the State to immediately supplement its discovery responses to provide responsive factual information regardless of whether those facts were gathered by or are known to the State's consulting experts.

Additionally, Tyson challenges the State's claim of protection under the work product doctrine. Materials produced during the ordinary course of business are not entitled to protection as attorney work product. Neither the State's answers nor its Privilege Log provide sufficient information for Tyson to reasonably determine whether the State agency materials for which work product protection is asserted were prepared in anticipation of litigation or in the ordinary course of business. Accordingly, Tyson asks the State to immediately supplement its discovery responses by providing additional information that will allow Tyson to assess the applicability of the work product doctrine.

Interrogatory-Specific Deficiencies

Interrogatory No. 1. This interrogatory inquires about efforts or actions undertaken by the State to identify factors *other than the poultry industry* that have had an effect on water quality in the IRW. The interrogatory also seeks information regarding *the location and potential or confirmed effect* of each non-poultry related factor identified by the State. In response, the State has referred Tyson to general statutory enactments and regulatory schemes which by the State's own admission apply "without regard to the sources/factors contributing to the harm." No specific sources or locations are identified. The State's response to this interrogatory is completely inadequate. Please respond specifically to this interrogatory.

Interrogatory No. 3. This interrogatory asks the State to "describe in detail" what it has done to control or reduce contributions of the substances alleged in the complaint from non-poultry related sources such as cattle operations, hay operations, septic tanks, commercial fertilizer applications, mining, POTWs, land application of biosolids and utilization of herbicides and pesticides. Once again, the State's response contains general references to statutory enactments and regulatory schemes (which in large measure are not specific to the sources inquired about) but is devoid of the detailed information requested by Tyson about actions taken against these specific sources. Please respond specifically to this interrogatory.

Interrogatory Nos. 4-8. These interrogatories ask the State to identify *by name of grower, date and location* the instances in which the provisions of the statutes which the State has sued under have in fact been violated and to identify documents relating to or evidencing such violations. The State's response is circular and in no way responsive to these interrogatories. If the State has no knowledge of specific instances in which these laws have been violated, its responses to these interrogatories need to be amended to state that expressly. Simply responding that violations have occurred "wherever poultry waste for Tyson Defendant (sic) is legally responsible . . . has been . . . overapplied, stored or land applied and run off,

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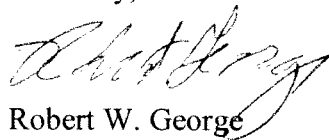
Robert Allen Nance
June 30, 2006
Page 4

thereby resulting in a discharge to surface and/or ground water” is insufficient. Please supplement your responses to these interrogatories to either provide the specific information requested or to admit a lack of knowledge on the part of the State with respect to these matters.

Interrogatory Nos. 9-11. These interrogatories inquire about studies and sampling data which demonstrate or which the State believes tends to demonstrate contamination of the soil, water, sediments or biota by substances “*released by the Tyson Defendants or any person or Entity for which the Tyson Defendants may allegedly be held legally responsible.*” In response, the State refers Tyson to a few items of literature and various web-accessible document repositories maintained by state agencies. None of the information referenced by the State is specific to releases allegedly attributable to the Tyson Defendants. Accordingly, please amend your responses to these interrogatories to either identify information specific to the Tyson Defendants or to admit that the State has no such information. Also, please produce copies of the studies referenced by the State in these interrogatory responses or identify by Bates number ranges where these documents may be found within the State’s document production. Finally, the web addresses to which the State has referred Tyson for information allegedly responsive to these interrogatories simply reflect a grouping of water quality reports by state agencies with respect to various watersheds or water bodies. These web pages are not specific to the IRW or to impacts, if any, from the substances targeted by each of these interrogatories. Please specifically identify which reports or data sets available through these websites are responsive to each of these interrogatories.

Your prompt attention to the above requests is imperative. The information sought in these interrogatories is essential to my client’s defense of this case. Consequently, while I sincerely hope that we can resolve the above-described deficiencies without having to involve the Court, my client will not delay in seeking relief from the Court should your response to this letter be inadequate.

Cordially,



Robert W. George

cc via e-mail: Stephen Jantzen
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ORBISON & LEWIS
5801 N. Broadway, Ste. 101
Oklahoma City, OK 73118

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*

Dear Mr. Nance:

I have reviewed Plaintiff's Objections and Responses to Separate Defendant Cobb-Vantress, Inc.'s Second Set of Interrogatories (the "State's Discovery Responses"). Please consider this letter to constitute my attempt to confer in good faith with the State in an effort to secure the material and information sought in the Second Set of Interrogatories without court action pursuant to Fed. R. Civ. P. 26(a)(2)(B).

The more significant deficiencies in the State's Discovery Responses are described in detail below. This is not an exhaustive list and Cobb-Vantress reserves the right to seek relief from the Court on all deficiencies whether expressly listed in this letter or not. If the deficiencies identified hereinafter are not corrected by close of business on July 14, 2006, Cobb-Vantress will file a motion to compel pursuant to Fed. R. Civ. P. 26(a)(2)(A).

General Issues or Deficiencies

Privilege Log. First, please confirm that the privilege log attached to the State's Discovery Responses describes all information and documents responsive to these interrogatories which have been withheld on the basis of a claim of privilege. If there is additional information being withheld because of such claims that is not listed on the privilege log, please supplement the privilege log immediately. Second, the privilege log supplied does not indicate which documents or information withheld would be responsive to which interrogatories. Please provide supplemental interrogatory responses or a revised privilege log to specify which of the withheld documents are responsive to which interrogatories.

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Robert Allen Nance
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Rule 33(d) Business Records References. In response to many of the interrogatories the State has elected to refer Cobb-Vantress to “business records” pursuant to Fed. R. Civ. P. 33(d) instead of actually answering the interrogatories. Cobb-Vantress does not believe that the Rule 33(d) option is truly available to the State for many of the interrogatories. In any event, the State’s specifications of records is insufficient. As you know, Rule 33(d) requires the responding party to “specify the records from which the answer may be derived or ascertained.” The specification must “be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.” FED. R. CIV. P. 33(d). Broad references to the State’s document production and/or web-accessible document repositories for various state agencies are not sufficient under Rule 33(d). Accordingly, please amend the State’s Discovery Responses to specifically identify the records wherein Cobb-Vantress can find the answers to each interrogatory.

Attorney-Work Product Claims with Respect to Sampling Data and Other Facts. It appears that the State is continuing its unfounded claim that facts known to experts including the results of environmental sampling can be withheld as privileged under Fed. R. Civ. P. 26. These issues are the subject of Cobb-Vantress’ pending First Motion to Compel (Dkt. No. 743.) As explained by Cobb-Vantress in the briefing associated with that motion, the State’s position is contrary to the law. Accordingly, Cobb-Vantress asks the State to immediately supplement its discovery responses to provide responsive factual information regardless of whether those facts were gathered by or are known to the State’s consulting experts.

Additionally, Cobb-Vantress challenges the State’s claim of protection under the work product doctrine. Materials produced during the ordinary course of business are not entitled to protection as attorney work product. Neither the State’s answers nor its Privilege Log provide sufficient information for Cobb-Vantress to reasonably determine whether the State agency materials for which work product protection is asserted were prepared in anticipation of litigation or in the ordinary course of business. Accordingly, Cobb-Vantress asks the State to immediately supplement its discovery responses by providing additional information that will allow Tyson to assess the applicability of the work product doctrine.

Interrogatory-Specific Deficiencies

Interrogatory No. 2. This interrogatory asks the State to identify reports, studies or data establishing that water bodies *in the IRW* have been impacted by microbial pathogens. In response you have identified several articles, some of which do not relate to the IRW. In any event, please provide copies of these articles or specify by Bates number where these documents may be found within the State’s document production. Also, I note that the articles you have listed all seemingly relate to agricultural activities as a possible source of bacteria. Interrogatory No. 2 was not limited to studies or data pertaining to agricultural activities. If the State is aware

KUTAK ROCK LLP

Robert Allen Nance
June 30, 2006
Page 3

of studies or data sets pertaining to the impact of microbial pathogens, *from whatever source*, upon water bodies in the IRW, those studies or data sets must be identified.

Interrogatory No. 3. This interrogatory asks the State to *describe in detail* the remediation or measures necessary to ameliorate the conditions which Cobb-Vantress and the other defendants are accused of causing. The State's response offers generalities without any detail. Other than "limiting land application of poultry waste" no specific actions or measures have been identified and the State has not specified the geographic locations and time periods for corrective actions as requested. Please supplement the State's response to this interrogatory with the specific and detailed information requested.

Interrogatory Nos. 6 and 7. In response to these interrogatories, the State has generically identified categories of response, removal or remediation actions for which the State seeks to recover costs from Cobb-Vantress in this lawsuit. The State's description of these actions/costs is so vague as to render the responses meaningless to Cobb-Vantress (e.g., "periphyton/biological monitoring," "costs incurred for monitoring," etc.) No specific response, remedial or removal actions are identified. No cost figures are provided and the vague descriptions are insufficient to permit Cobb-Vantress or any other party to determine the extent to which, if at all, these costs were incurred consistent with the National Contingency Plan, 42 U.S.C. § 9607(a)(4)(A) which was the focus of these two interrogatories. Please supplement the State's responses to these interrogatories with more specific and detailed information.

Interrogatory No. 8. The State has failed to provide any information responsive to this interrogatory seeking an identification of assessments of alleged environmental or health injuries the costs of which the State will seek to recover from Cobb-Vantress. Notwithstanding the State's unfounded work-product objections, if there are any historical (i.e., pre-dating this litigation) assessments, studies or evaluations for which the State seeks to recover the costs of conducting from Cobb-Vantress, please identify such assessments, studies or evaluations as requested in this Interrogatory.

Interrogatory No. 9. The State's response to this interrogatory requesting the identification of the CERCLA hazardous substances for which the State seeks to hold Cobb-Vantress liable purports to identify a substance as the following: "Unlisted hazardous waste characteristic of reactivity." This interrogatory asked the State to identify each hazardous substance "by name and Chemical Abstract Survey Registry Number." To the extent that the foregoing phrase is intended by the State to represent a CERCLA hazardous substance, please specifically identify the name of the substance being referred to by the State.

Interrogatory No. 11. The State has not provided any specific information responsive to this interrogatory. Please supplement the State's response with the specific and detailed information requested in this interrogatory.

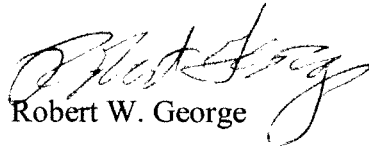
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Page 4

Interrogatory No. 13. This interrogatory asked the State to identify all recorded statements which relate to the subject matter of this lawsuit. In its response, the State has redefined "statement" to mean depositions, affidavits and signed witness statements. The interrogatory was not so limited and, in fact, expressly sought the identification of written statements (whether signed or unsigned), audio-taped statements and videotaped statements. Please respond to this interrogatory fully, in accordance with how it is drafted.

Your prompt attention to the above requests is imperative. The information sought in these interrogatories is essential to my client's defense of this case. Consequently, while I sincerely hope that we can resolve the above-described deficiencies without having to involve the Court, my client will not delay in seeking relief from the Court should your response to this letter be inadequate.

Cordially,


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Rule 33(d) Business Records References. In response to many of the interrogatories the State has elected to refer Tyson to “business records” pursuant to Fed. R. Civ. P. 33(d) instead of actually answering the interrogatories. Tyson does not believe that the Rule 33(d) option is truly available to the State for many of the interrogatories. In any event, the State’s specification of records is insufficient. As you know, Rule 33(d) requires the responding party to “specify the records from which the answer may be derived or ascertained.” The specification must “be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.” FED. R. CIV. P. 33(d). Broad references to the State’s document production and/or web-accessible document repositories for various state agencies are not sufficient under Rule 33(d). Accordingly, please amend the State’s Discovery Responses to specifically identify the records wherein Tyson can find the answers to each interrogatory.

Attorney-Work Product Claims with Respect to Sampling Data and Other Facts. It appears that the State is continuing its unfounded claim that facts known to experts including the results of environmental sampling can be withheld as privileged under Fed. R. Civ. P. 26. These issues are the subject of Cobb-Vantress’ pending First Motion to Compel (Dkt. No. 743.) As explained in the briefing associated with that motion, the State’s position is contrary to the law. Accordingly, Tyson asks the State to immediately supplement its discovery responses to provide responsive factual information regardless of whether those facts were gathered by or are known to the State’s consulting experts.

Additionally, Tyson challenges the State’s claim of protection under the work product doctrine. Materials produced during the ordinary course of business are not entitled to protection as attorney work product. Neither the State’s answers nor its Privilege Log provide sufficient information for Tyson to reasonably determine whether the State agency materials for which work product protection is asserted were prepared in anticipation of litigation or in the ordinary course of business. Accordingly, Tyson asks the State to immediately supplement its discovery responses by providing additional information that will allow Tyson to assess the applicability of the work product doctrine.

Interrogatory-Specific Deficiencies

Interrogatory No. 3. This interrogatory ask for an identification of properties owned by the State in the IRW and a description of the uses and activities conducted on such properties within the 3 years prior to the initiation of this lawsuit. The State has objected on the basis that “[t]he burden of determining the answer to this interrogatory is substantially the same for Defendant, Tyson Foods, Inc., as it is for the State of Oklahoma.” Clearly, this is not true. The State should know or at least be able to readily identify those parcels of land in the IRW owned by the State. Tyson should not be required to search the land records of multiple counties to ascertain this information. Furthermore, the land records would not disclose the uses and activities of the properties owned by the State. Please respond specifically to this interrogatory.

KUTAK ROCK LLP

Robert Allen Nance
June 30, 2006
Page 3

Interrogatory No. 4. This interrogatory follows up on Interrogatory No. 3 by asking the State to specifically identify those parcels of land owned by the State in the IRW on which chemicals, fertilizers or waste material have been collected, handled, treated, stored, or disposed of and to then identify the nature and volume of substances used or disposed on such properties. It is hard to imagine a more relevant interrogatory given the nature of the allegations in this case. The State's response to this interrogatory provides absolutely no information and the State's claim that Tyson can obtain information about activities occurring on State-owned lands as easily as the State can is simply absurd. Please respond specifically to this interrogatory.

Interrogatory No. 5. This interrogatory seeks identification of and information pertaining to non-poultry related sources in the IRW of the substances which are the subject to the State's complaint. The State objected stating that it would not "speculate about 'potential' sources" and then stated that some information responsive to this request may be found within the State's business records. Clearly, the State is aware of the existence of potential, and in fact known, non-poultry related sources in the IRW for the substances at issue in this case. Tyson is entitled to have that knowledge on the part of the State memorialized in an interrogatory response. Please respond directly to this interrogatory by identifying and providing the information requested at least with respect to known non-poultry related sources.

Interrogatory No. 6. This interrogatory asks the State to identify instances in which it has issued permits, licenses or other forms of authorizations to operators in the IRW for the release, use, discharge or disposal of the substances which are the subject of the State's complaint and to provide information about the holders of such permits and the activities permitted under such permits. The State has objected on the basis that the interrogatory implies that the "mere permitting of person/entities necessarily insulates one against liability and then proceeds to discuss the State's novel theory of liability in this case that Tyson and the other defendants can be held liable for the land application practices of growers even if those growers have acted in accordance with "permits" issued by the State. While interesting, this is irrelevant to interrogatory and certainly does not constitute a valid objection. This interrogatory was not focused on permits, licenses or authorizations issued to poultry growers. This interrogatory seeks identification of all permits, licenses or authorizations wherein the State has authorized the release, use, discharge or disposal in the IRW of the substances at issue in this case. This information should be readily available to the State and should be provided in a supplemental interrogatory response.

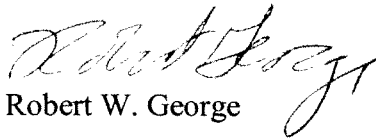
Interrogatory Nos. 9 -11. These interrogatories seek information confirming the State's allegation that the acts of *the Tyson defendants* pose a threat to the health of any person in the IRW, an imminent and substantial endangerment to the environment of the IRW or have resulted in the release to a water body in the IRW of a CERCLA hazardous substance. The State's response provides no Tyson-specific information. If the State has no such information, then it needs to explicitly state that in its responses to these interrogatories. If it has such information, please identify it. In either event, please supplement your responses to these interrogatories.

KUTAK ROCK LLP

Robert Allen Nance
June 30, 2006
Page 4

Your prompt attention to the above requests is imperative. The information sought in these interrogatories is essential to my client's defense of this case. Consequently, while I sincerely hope that we can resolve the above-described deficiencies without having to involve the Court, my client will not delay in seeking relief from the Court should your response to this letter be inadequate.

Cordially,


Robert W. George

cc via e-mail: Stephen Jantzen
Patrick Ryan
Mark Hobson
Jay Jorgenson